

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Dean D. Hunt

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MARC I. HERTZ IRREVOCABLE TRUST DTD
3/15/92; KENNETH D. WEISER, in his capacity
as Trustee of the Marc I. Hertz Irrevocable Trust
DTD 3/15/92; JOHN B. BEASLEY, in his capacity

Adv. Pro. No. 10-04879 (SMB)

as Trustee of the Mark I. Hertz Irrevocable Trust DTD 3/15/92; and MARC I. HERTZ, Defendants.

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF CERTAIN CLAIMS
AND DISMISSAL WITHOUT PREJUDICE OF CERTAIN CLAIMS IN ADVERSARY
PROCEEDING**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel Baker & Hostetler LLP, and pursuant to Rule 7041(a)(1)(A)(i) of the Federal Rules of Bankruptcy Procedure (making Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure applicable in adversary proceedings), hereby dismisses Counts Two through Six of the Complaint in the above-captioned adversary proceeding with prejudice. The Trustee also dismisses Count Seven of the Complaint without prejudice. This Notice shall have no effect on or application to the Trustee’s remaining claims in Count One of the Complaint. Pursuant to Bankruptcy Rule 7041(a)(1)(A)(i), the Trustee is permitted to voluntarily dismiss claims in this adversary proceeding without further order of the Court by filing this Notice of Dismissal. As of the date hereof, defendants the Mark I. Hertz Irrevocable Trust DTD 3/15/92, Kenneth D. Weiser, John B. Beasley, and Marc I. Hertz have not filed or served an answer or a motion for summary judgment.

Dated: September 15, 2016

Respectfully submitted,

Of Counsel:

BAKER & HOSTETLER LLP

811 Main Street, Suite 1100
Houston, Texas 77002-0518
Telephone: 713.751.1600
Facsimile: 713.751.1717
Dean D. Hunt
Email: dhunt@bakerlaw.com

/s/ Nicholas J. Cremona

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Esq., Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*